

# EXHIBIT 11



**KENTUCKIANA**  
— COURT REPORTERS —

**CASE NO. 20-CV-04768**

**JAMES FLETCHER JR.**

**V.**

**JEROME BOGUCKI, ET AL.**

**DEPONENT:**

**LT. MICHAEL FITZGERALD**

**DATE:**

**December 06, 2022**



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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF ILLINOIS  
3 EASTERN DIVISION  
4 JUDGE ANDREA WOOD  
5 MAGISTRATE JUDGE MARIA VALDEZ  
6 CASE NO. 20-CV-04768  
7

8 JAMES FLETCHER JR.,  
9 Plaintiff  
10

11 V.  
12

13 JEROME BOGUCKI, ANTHONY  
14 NORADIN, RAYMOND SCHALK,  
15 ANTHONY WOJCIK, UNKNOWN CITY  
16 OF CHICAGO POLICE OFFICERS, AND THE  
17 CITY OF CHICAGO  
18 Defendants  
19  
20  
21  
22

23 DEPONENT: LT. MICHAEL FITZGERALD

24 DATE: DECEMBER 6, 2022

25 REPORTER: KORTNEY CHASE

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2 - Photo of Terry Rodgers - CITY - JL 117	22

(Will forward upon receipt.)

## STIPULATION

The deposition of LT. MICHAEL FITZGERALD was taken at KENTUCKIANA COURT REPORTERS, 730 WEST MAIN STREET, SUITE 101, LOUISVILLE, KENTUCKY 40202, via videoconference, in which all participants attended remotely, on TUESDAY, the 6th day of DECEMBER 2022 at approximately 9:59 a.m. (CT); said deposition was taken pursuant to the FEDERAL Rules of Civil Procedure. The oath in this matter was sworn remotely pursuant to FRCP 30.

It is agreed that KORTNEY CHASE, being a Notary Public and Digital Reporter for the State of ILLINOIS, may swear the witness.

PROCEEDINGS

THE REPORTER: We are now on the record. Will all parties, except for the witness, please state your appearance, your location, and how you're attending.

MS. GARCIA: Mariah Garcia for the plaintiff. I am attending remotely from the Chicagoland area.

MR. STEFANICH: Brian Stefanich. I represent the defendant officers in this case. I am attending remotely from Womac.

MR. MICHALIK: This is Paul Michalik. I represent the defendant, City of Chicago, and I also represent the deponent, Lieutenant Michael Fitzgerald, and I am in person with the lieutenant here in my office in Chicago.

THE REPORTER: Lieutenant Fitzgerald, will you please state your full name for the record?

THE WITNESS: Sure. My name is Lieutenant Michael Fitzgerald. The spelling of my last name is F-I-T-Z-G-E-R-A-L-D.

THE REPORTER: Okay. And do all parties agree that the witness is, in fact, Lieutenant Fitzgerald?

MR. STEFANICH: Yes.

MS. GARCIA: Plaintiff agrees.

MR. MICHALIK: Yep.



1 THE REPORTER: Okay. Lieutenant Fitzgerald,  
2 will you please raise your right hand? Do you  
3 solemnly swear or affirm the testimony you're about  
4 to give will be the truth, the whole truth, and  
5 nothing but the truth?

6 THE WITNESS: I do, ma'am.

7 THE REPORTER: Thank you. You may begin.

8 DIRECT EXAMINATION

9 BY MS. GARCIA:

10 Q. Hi, Lieutenant Fitzgerald. Will you please  
11 state your full name and spell it for the record please?

12 A. Lieutenant Michael Fitzgerald. The spelling  
13 of my first name is M-I-C-H-A-E-L. My last name is  
14 F-I-T-Z-G-E-R-A-L-D, and my star number is currently  
15 197.

16 Q. Great. And my name is Mariah Garcia. I'm an  
17 attorney for the plaintiff, James Fletcher. Lieutenant  
18 Fitzgerald, have you ever been deposed before?

19 A. Yes, ma'am. I have.

20 Q. Okay. Well, since you have been, I'll just go  
21 over the rules very, very quickly. Because we are over  
22 Zoom and we have a court reporter taking everything  
23 down, please keep your answers verbal and audible. So  
24 answer any question with a "yes," or a "no," or a full  
25 answer, okay?

1 A. Yes, ma'am.

2 Q. If there's a question you don't understand for  
3 any reason, please let me know and I will rephrase it,  
4 but if you answer a question, I'm going to assume that  
5 you understood my question, okay?

6 A. Okay.

7 Q. I will let you fully answer any question that  
8 I ask you so long as you let me get out my full question  
9 before you get to answer, okay?

10 A. Yes, ma'am.

11 Q. And I believe this deposition will be pretty  
12 short, but if you need to take a break for any reason,  
13 let me know and we can take a break as soon as I have  
14 finished that question, okay?

15 A. Okay.

16 Q. Okay. This may seem like a silly question,  
17 but, Lieutenant Fitzgerald, are you still employed or  
18 currently employed with the Chicago Police Department?

19 A. I am.

20 Q. All right. And is your current position  
21 lieutenant?

22 A. Yes, ma'am. It is.

23 Q. Okay. And do you recall what year you became  
24 a lieutenant within the Chicago Police Department?

25 A. Within the last year.

1 Q. Okay. And what are the roles and  
2 responsibilities of a lieutenant within the Chicago  
3 Police Department?

4 MR. MICHALIK: I'm going to object to the  
5 relevance. Go ahead.

6 THE WITNESS: It depends on the area of  
7 assignment. Currently, I'm assigned to the Evidence  
8 and Recovered Property Section, so my  
9 responsibilities are specifically focused on  
10 evidence and recovered property being received by  
11 the Evidence and Recovered Property Section,  
12 ensuring that it's inventoried properly, and  
13 answering questions for officers that might have  
14 questions regarding the appropriateness of that,  
15 making sure evidence is disseminated properly to the  
16 officers when it's taken to court, received back in,  
17 and things of that nature.

18 For those that are assigned to the field, they  
19 have responsibilities that involve field supervision  
20 of officers and those that have served as the watch  
21 operations lieutenants are responsible for  
22 day-to-day affairs of their particular watches that  
23 they're assigned to, as well as reviewing and  
24 approving arrest reports and sometimes case reports.

25 BY MS. GARCIA:

1 Q. Okay. And how long have you been an employee  
2 within the Chicago Police Department?

3 A. My date of hire was October 4, 1999, so it's  
4 23 years, two months and a couple of days.

5 Q. Okay. And when you started working at the  
6 Chicago Police Department in 1993 [sic], what was your  
7 position?

8 A. It was 1999, ma'am.

9 Q. 1999. My apologies.

10 A. So when I first started in October of 1999, I  
11 was assigned to the training academy, where I spent  
12 approximately six months in the training academy until I  
13 was sent to the street and was with a field training  
14 officer until, I believe, it was March of 2000 -- I  
15 mean, March of 2000.

16 Q. And after you had completed your field  
17 training, what position did you hold within the Chicago  
18 Police Department?

19 A. After I finished my field training, I was a  
20 patrol officer.

21 Q. Okay. And were you a patrol officer in  
22 February of 2002?

23 A. Yes, ma'am. I was.

24 Q. And do you recall what area you were assigned  
25 to in February of 2002?

1 A. I was assigned to the 15th District.

2 Q. Okay. And did you have a partner in February  
3 of 2002?

4 A. I had a regular partner that I worked with and  
5 then, from time to time, when he wasn't available, they  
6 would put me with other officers.

7 Q. And who was your regular partner?

8 A. Officer Hugh Gallagly. That's G-A-L-L-A-G-L-Y  
9 and I believe the star number is 13851.

10 Q. And what was the process in 2002 of being  
11 assigned a partner?

12 A. They would assign us based on the watches. The  
13 -- ultimately, whoever was -- I believe that we had a  
14 captain at the time. I don't know if it was Captain  
15 Patrick (phonetic) or if he was a lieutenant still at  
16 the time, but they would determine which officers would  
17 like to work together. They would put us together and  
18 they would assign us to beats based on, you know,  
19 availability of cars. On the dates when your partner,  
20 your regular partner, wasn't available, it would be the  
21 watch secretary would see who was available and they  
22 would have to staff the beat cars and then that's how  
23 you would wind up working with someone else.

24 Q. Okay. And in February of 2002, did you have a  
25 regular shift that you worked or regular beat?

1           A.    I believe in 2002, we were typically assigned  
2 to the late rapid cars, which would've been a 6:00  
3 start, but from time to time, when my regular partner  
4 wasn't there or I had to fill in, they would rotate us  
5 to an earlier start, which would be a 4:00 start, so  
6 1600 hours.

7           Q.    Okay. And when you were a patrolman in the  
8 15th District in 2002, what were your roles and  
9 responsibilities?

10          A.    I believe I was kind of a steady watch at that  
11 time. So we would be responding essentially to patrol  
12 calls that we would get from 911, from the dispatchers.  
13 We would also conduct our own traffic stops and make  
14 on-view arrests based on things that we observed.

15          Q.    Okay. Do you have an independent recollection  
16 -- actually, strike that. You are in the room with your  
17 counsel, Mr. Michalik, correct?

18          A.    That's correct. Yes.

19          Q.    Okay. And prior to today's deposition, can  
20 you -- actually, strike that. That's a bad question.  
21 Did you do anything to prepare for today's deposition?

22          A.    Yes, ma'am. I did.

23          Q.    Can you tell me what you did to prepare for  
24 today's deposition?

25          A.    I was afforded the opportunity to review both

1 the General Offense Case Report and the Arrest Report  
2 associated with the arrest of Mr. Rodgers.

3 Q. Okay. And did you meet with Mr. Michalik?  
4 Without going into anything you might have talked about,  
5 did you meet with him prior to today's deposition in  
6 preparation for today's deposition?

7 A. Yes, ma'am. We did.

8 Q. Okay. And how many times did you meet with  
9 him?

10 A. Once.

11 Q. Okay. And do you recall when you met with him  
12 that one time?

13 A. The exact date? No. It was probably like a  
14 month-and-a-half ago.

15 Q. Okay. And do you recall how long that meeting  
16 lasted?

17 A. More between 45 minutes to an hour.

18 Q. Okay. And other than the reviewing the  
19 General Offense Case Report and the Arrest Report  
20 related to the arrest of Mr. Rodgers, I would assume,  
21 did you review anything else?

22 A. No, ma'am. I have not.

23 Q. Okay. And have you discussed this deposition  
24 with anybody besides your counsel?

25 A. I have not.

1 Q. Okay. And so, now I want to turn to the  
2 evening of February 11, 2002. Do you have an  
3 independent recollection? And I understand you reviewed  
4 documentation around this incident, but do you have an  
5 independent recollection of the arrest of Terry Rodgers  
6 on February 11, 2002?

7 A. I do not, ma'am.

8 Q. Okay. Then I'm going to pull up and I don't  
9 think I asked this earlier. Do you have any papers in  
10 front of you?

11 A. I do not. No.

12 Q. Okay. I just know sometimes people will print  
13 out the reports, but I have it on my computer.

14 MR. MICHALIK: Hey, Mariah? Yeah. Mariah,  
15 it's Paul. You didn't send any deposition exhibits,  
16 but I do have the two reports, the arrest report and  
17 the general offense case report, here on paper if  
18 you want me to show that to the lieutenant.

19 MS. GARCIA: Sure. I'll pull up the case  
20 report, the arrest report itself so that Brian can  
21 see it and I can refer to it as it's on the screen.

22 BY MS. GARCIA:

23 Q. But Lieutenant Fitzgerald, if you want to  
24 follow along with the hard copy, that's perfectly fine.  
25 So I am sharing my screen. Hopefully, you can see this.



1 Apologies. One moment. This is the wrong exhibit.

2 Okay. Here we go.

3 MS. GARCIA: For the record, this will be  
4 Exhibit 1. This was Bates stamped sideways, but it  
5 is Bates Fletcher 000432 to 000433 and, Lieutenant  
6 Fitzgerald, I'm going to give you a moment. If you  
7 could review this for me and let me know when you're  
8 done.

9 (Exhibit 1 was marked for identification.)

10 THE WITNESS: I'm done with the first page.

11 BY MS. GARCIA:

12 Q. Okay.

13 A. I'm finished with the second page also.

14 Q. Okay. And, Lieutenant Fitzgerald, does this  
15 refresh your recollection at all as to the arrest of  
16 Terry Rodgers on February 11, 2002?

17 A. Slightly, yes.

18 Q. Okay. And so, what do you recall of the  
19 arrest of Terry Rodgers on February 11, 2002?

20 A. Specifically? The only thing that I recall,  
21 and again, without refreshing my recollection and  
22 knowing that it was him, would've been the portion about  
23 Bomb and Arson coming out to the scene because we had  
24 conducted a custodial search and found materials that we  
25 had found on him.

1 Q. Okay. And on Page 1, and I know this is  
2 handwritten, it states "Reporting officer," and then  
3 underneath on the bottom of the page, it says, "M.  
4 Fitzgerald." Lieutenant Fitzgerald, are you the  
5 reporting officer that's being referenced in this --

6 A. Yes, ma'am.

7 Q. -- area?

8 A. Ma'am, I am. My star number is next to it,  
9 which was my patrol star of 5084 --

10 Q. Okay.

11 A. -- and then, that's my signature that's next.

12 Q. And do you know how to pronounce the person's  
13 name underneath your name on the first page?

14 A. It would've been Officer Miszylik.

15 Q. Okay. Miszylik. And Officer Miszylik was not  
16 your regular partner, at the time, correct?

17 A. That's correct, ma'am.

18 Q. Okay. And do you recall how you came to work  
19 with him on this day?

20 A. I would -- that we were assigned to work  
21 together that day.

22 Q. Okay. And is this your handwriting on the  
23 report or is it Officer Miszylik's?

24 A. It would be my handwriting.

25 Q. Okay. And I don't know if your signature is

1 here. Is this your -- apologies.

2 A. So I can direct you to where my signature --

3 Q. Yes, please. It would be on the --

4 A. So if you -- if you see where my name is? If  
5 you see where my name is --

6 Q. Sure.

7 A. -- printed, just to the side of my star  
8 number, 5084, that -- the line right next to that is --  
9 that's my signature and then the date follows that.

10 Q. Okay. And do you recall who was your  
11 approving officer on that date for this report?

12 A. The approved -- it looks like it was,  
13 according to this signature, Sergeant Peggy Johnson.

14 Q. Okay. And you've now had a chance to review  
15 this report, correct?

16 A. I'm sorry?

17 Q. You've had a chance to review this report,  
18 correct?

19 A. This morning. Yes.

20 Q. Okay. And after reviewing this report, do you  
21 have any reason to doubt that it's a truthful and  
22 accurate reporting of the arrest of Terry Rodgers on  
23 February 11, 2002?

24 A. No, ma'am. I do not.

25 Q. Okay. Do you recall any follow up you did

1 into Terry Rodgers after arresting him on February 11th  
2 in 2002?

3 A. No, ma'am.

4 Q. Okay. Do you recall any follow up you did  
5 into the arson that had occurred earlier in the month at  
6 227 South Central after the arrest of Terry Rodgers on  
7 February 11th in 2002?

8 MR. MICHALIK: Object to the form of the  
9 question. Assumes facts not in evidence.

10 THE WITNESS: Aside from the notification that  
11 we would've made to Bomb and Arson, that would've  
12 been the extent of the furtherance of our  
13 investigation into that incident.

14 BY MS. GARCIA:

15 Q. Okay. I'm going to stop the share of the  
16 exhibit. In the arrest report that you just reviewed,  
17 it mentioned that you had contacted Sergeant Dolan in  
18 Detective Division regarding Mr. Rodgers' arrest. Do  
19 you recall that?

20 MR. MICHALIK: I'm just going to object,  
21 Mariah. It's the General Offense Case Report that  
22 we're looking at, not the Arrest Report.

23 MS. GARCIA: Oh, apologies. Apologies.

24 BY MS. GARCIA:

25 Q. The General Offense Case Report.

1 A. And I'm sorry, could you repeat the question  
2 about Sergeant Dolan?

3 Q. Do you recall contacting him regarding the  
4 investigative report into Mr. Rodgers?

5 A. Aside from what was notated in the report? No.  
6 I don't have an independent recollection of having a  
7 conversation with him.

8 Q. Okay. And do you have an independent  
9 recollection of having a conversation with Detective  
10 Division?

11 A. No, ma'am. I do not.

12 Q. Okay. Do you know if any other officer was  
13 assigned to investigate Rodger's involvement into the  
14 potential arson that had occurred at 227 South Central?

15 A. No. I do not.

16 Q. Okay. Do you know if any other officer was  
17 assigned to investigate the potential arson at 22 [sic]  
18 South Central after your involvement in arresting  
19 Mr. Rodgers?

20 A. No. I do not.

21 Q. Did you speak with Detective Bogucki regarding  
22 Terry Rodgers following his arrest?

23 A. To the best of my recollection, I did not.

24 Q. Okay. Do you recall speaking to Detective  
25 Shock following the arrest of Terry Rodgers regarding

1 his arrest?

2 A. Again, to the best of my recollection, I did  
3 not.

4 Q. Okay. Do you recall speaking with Anthony  
5 Noradin, and I will spell that, N-O-R-A-D-I-N, regarding  
6 the arrest of Terry Rodgers?

7 A. Again, my response, to the best of my  
8 recollection, I do not.

9 Q. Okay. And do you recall -- actually, one  
10 second. Strike that. Do you recall speaking to Anthony  
11 Wojick following the arrest of Terry Rodgers regarding  
12 his arrest, after the arrest?

13 A. And again -- right. And again, to the best of  
14 my recollection, I did not.

15 Q. Okay. Did you ever work on the investigation  
16 into the death of Willie Sorel?

17 A. I do not believe I did. No.

18 Q. Okay. Did you ever work on the investigation  
19 into my client, James Fletcher?

20 A. And again, to the best of my recollection, I  
21 did not. No.

22 Q. Okay. To the best of your recollection, did  
23 you ever work on an investigation into a man named  
24 Arnold [sic] Dickson?

25 A. The name doesn't sound familiar. No, ma'am.

1 Q. Okay. And following the arrest of Terry  
2 Rodgers, do you recall speaking with Terry Rodgers?

3 A. Following the arrest? No, ma'am. I do not.

4 Q. Okay. And after the arrest of Terry Rodgers,  
5 do you recall speaking or investigating Edward Cooper?

6 A. The name does not sound familiar either,  
7 ma'am.

8 Q. Okay. After the arrest of Mr. Rodgers, do you  
9 recall speaking to or investigating Emmet Wade?

10 A. No, ma'am. I do not.

11 Q. Okay. And following the arrest of  
12 Mr. Rodgers, do you recall speaking to or investigating  
13 Shenee Friend?

14 A. No, ma'am. I do not.

15 Q. Okay. I'm going to represent to you that  
16 Mr. Rodgers was not charged for any crimes following his  
17 arrest on February 11, 2002. Does the fact that he was  
18 not charged for any crimes surprise you?

19 MR. STEFANICH: Objection. Form and  
20 foundation.

21 MR. MICHALIK: Join.

22 THE WITNESS: Following his arrest? Is that  
23 what you're saying, ma'am?

24 BY MS. GARCIA:

25 Q. Yes.

1           A.     I would have no opinion on it one way or the  
2 other because I wasn't involved in any furtherance of  
3 any investigations involving him.

4           Q.     Okay. And did anyone articulate to you the  
5 reason as to why he was not charged following his  
6 arrest?

7           A.     To the best of my recollection, no, ma'am.

8           Q.     Okay. I'm going to pull up what we can call  
9 Exhibit 2, which is the CITY JF [sic] 117 in Bates.  
10 Lieutenant Fitzgerald, have you seen this person before?

11                   (Exhibit 2 was marked for identification.)

12           A.     Yes, ma'am.

13 BY MS. GARCIA:

14           Q.     Okay. And who is this person?

15           A.     It would be Terry Rodgers and again, my  
16 recollection of that would be based off the information  
17 that's supplied in the exhibit, but I don't have an  
18 independent recollection of recognizing him, absent  
19 those demographics.

20           Q.     Okay. And to the best of your recollection,  
21 after arresting Mr. Rodgers, did you ever interact with  
22 the individual pictured in this exhibit ever again?

23           A.     Not that I believe. No, ma'am.

24           Q.     Okay. And before I let you go, following the  
25 review of the General Offense Case Report and the review



1 of Mr. Rodgers' pictures, is there anything else that  
2 you haven't said regarding the arrest of Mr. Rodgers  
3 that you now independently recall?

4 MR. MICHALIK: Object to the form of the  
5 question.

6 THE WITNESS: No. I do not.

7 MS. GARCIA: Okay. I don't have any further  
8 questions.

9 MR. STEFANICH: I don't have anything.

10 MS. GARCIA: Okay.

11 MR. STEFANICH: Paul, I assume you're good?

12 MR. MICHALIK: Yeah. No. I have just a couple  
13 of follow ups.

14 MR. STEFANICH: Okay.

15 CROSS-EXAMINATION

16 BY MR. MICHALIK:

17 Q. Lieutenant, based on your review of the  
18 materials, you said that you had a refreshed  
19 recollection as to the involvement of Bomb and Arson,  
20 correct?

21 A. Briefly. Yes.

22 Q. All right. And according to the second page  
23 of the General Offense Case Report, which was marked as  
24 Exhibit Number 1, Bomb and Arson was contacted regarding  
25 Mr. Rodgers?

1 A. That's correct. Yeah. They were.

2 Q. All right. Do you recall why Bomb and Arson  
3 was contacted?

4 A. It would've been a follow up based on the  
5 circumstances of the arrest that we had made, what we  
6 had discovered him to be in possession of in terms of  
7 the matches, the rags, on the paper towels, and the fact  
8 that the location where he was arrested based on the  
9 information supplied by the witness and -- was at -- was  
10 a scene of a recent fire.

11 Q. All right. And you briefly mentioned this,  
12 but can you clarify, what was found in your custodial  
13 search?

14 A. During the course of the custodial search,  
15 according to the case report, there were six books of  
16 matches, some taper towels, and some rags.

17 Q. Under the circumstances that you had and the  
18 materials that were found in the custodial search, was  
19 there any basis to charge Mr. Rodgers with any crime?

20 A. No.

21 Q. Why not?

22 A. Those are just general items that anyone could  
23 have on them. They're not criminal in and of  
24 themselves, or illegal. As I said, the full purpose of  
25 contacting Bomb and Arson was based upon the nature of

1 the totality of the circumstances, based on the fact  
2 that the location that we were at was recently the scene  
3 of a fire and we were just making a notification in case  
4 they needed additional information.

5 Q. Was it unique to find items such as rags,  
6 paper towels, and matches on an individual during that  
7 time of year?

8 A. I would say no.

9 Q. Why not?

10 A. During the cold season, depending on his  
11 circumstances, if Mr. Rodgers had been homeless, I mean,  
12 he might have been using the matches, and the -- the  
13 rags, and the paper towels to keep himself warm by -- by  
14 lighting them to -- you know, whatever source he needed  
15 to keep warm. He could have been using the rags and  
16 stuff in his shoes using this, you know, as a tissue.  
17 Same thing with the paper towels.

18 Q. And again, just to be clear, you know, based  
19 on Mr. Rodgers' possession of those materials, there was  
20 no basis to charge him with any criminal misconduct,  
21 correct?

22 A. That's correct. Possession of those items, in  
23 and of themselves, is not grounds for a charge.

24 Q. Okay.

25 MR. MICHALIK: I have no further questions.

1 Thank you.

2 MS. GARCIA: Just a couple of follow up.

3 REDIRECT EXAMINATION

4 BY MS. GARCIA:

5 Q. Lieutenant Fitzgerald, did you make decisions  
6 regarding charging of potential suspects as a patrol  
7 officer in 2002?

8 A. As a patrol officer, we would present the --  
9 the facts to the watch commander. The watch commander  
10 and the desk sergeant would review our arrest reports  
11 and understand the totality of our circumstances. Then,  
12 based upon that, they would make a determination as to  
13 whether the charges that we placed on the arrest report  
14 were sufficient.

15 Q. Okay. And I know you don't have an  
16 independent recollection of this incident, but in this  
17 situation where there's been, as was noted in your  
18 General Offense Case Report, a prior arson, and there is  
19 someone who has a potential material that can be  
20 inflammatory, would that not raise a suspicion of  
21 potential criminal conduct?

22 A. What would ultimately happen in these  
23 situations is exactly what we did. We would've notified  
24 the unit that would've been responsible for that follow  
25 up investigation, since they know the particulars of

1 those incidents beyond the original case report. They  
2 would then conduct their follow up and then they would  
3 advise us and our watch commander or our desk sergeant,  
4 that they were either looking to extend their  
5 investigation, at which point in time, had Mr. Rodgers  
6 been a suspect or subject to further investigation, they  
7 would've potentially issued a hold paper for him and  
8 furthered their investigation into the incident, if  
9 necessary.

10 Q. Sure. But I'm asking you a more specific  
11 question based on the fact that you were being called to  
12 a residence where there was a prior arson and the  
13 residents had been told to contact the police if there  
14 was a suspicious individual in the area and given the  
15 fact that Mr. Rodgers was caught in a building where he  
16 was not a resident with potential inflammatory material,  
17 including six books of matches, and rags, and paper  
18 towels, would that not raise suspicion that Mr. Rodgers  
19 may have been in that residence to conduct criminal  
20 misconduct?

21 MR. STEFANICH: Objection. Form.

22 THE WITNESS: He was arrested for the  
23 criminal --

24 MR. STEFANICH: Sorry. Objection. Form.

25 THE WITNESS: He was arrested for the criminal

1       conduct that we were aware of, in the sense that he  
2       did not have permission to be in the residence at  
3       that time. What we discovered on his person  
4       subsequent to his arrest was what furthered our --  
5       our contact with the Bomb and Arson section.

6 BY MS. GARCIA:

7       Q.     Sure. And you contacted the Bomb and Arson  
8       section because there was at least a plausible potential  
9       that Mr. Rodgers was there to conduct arson, such that  
10      had been conducted earlier in that month, correct?

11       MR. STEFANICH: Objection. Form.

12       THE WITNESS: The -- the contact -- again, the  
13      contact was just a notification to them that we had  
14      an individual that was in custody that was found at  
15      the scene of a recent fire, that was in possession  
16      of incendiary items that could be used to -- to  
17      start a fire, that were incendiary.

18 BY MS. GARCIA:

19       Q.     Sure. And just as you were telling  
20      Mr. Michalik that those items may have been not used in  
21      a criminal way or may not have been to be used in a  
22      criminal way, the six books of matches, the rags, and  
23      paper towels also could have been used to create some  
24      sort of incendiary inflammation that could lead to an  
25      arson, correct?

1 MR. MICHALIK: Object to form. Calls for  
2 speculation. Go ahead.

3 THE WITNESS: They could have been used for any  
4 number of things, but again, just a mere possession  
5 of them and the fact that he wasn't displaying them  
6 or using them in a manner that was suggestive that  
7 he was there to create a fire, it would've been  
8 nothing that would've been anything more than a  
9 notification to that division.

10 BY MS. GARCIA:

11 Q. Sure. And when you said when there was  
12 nothing to suggest to he was using them in a way that  
13 would start a fire, what are you basing that  
14 classification on?

15 A. We didn't find him in possession -- of him  
16 attempting to strike the match to light the rags. He  
17 was just in possession of items that were in his pocket.

18 Q. Okay. And do you recall the manner in which  
19 you arrested Mr. Rodgers?

20 A. The specific manner in terms of -- I -- I'm  
21 not certain I understand.

22 Q. Yes. The specific manner. Do you recall  
23 walking up to him, arresting him, speaking to him?

24 A. The -- the specific conversation? No. I do  
25 not.

1 Q. Okay. Do you recall where he was located in  
2 the residence?

3 A. That I do not know.

4 Q. Do you recall what his demeanor was like when  
5 you arrested him?

6 A. That I do not know.

7 Q. Do you recall what he was doing, physically,  
8 when you were arresting him?

9 A. Again, that I do not know.

10 Q. Do you recall his demeanor when you first  
11 encountered Mr. Rodgers?

12 A. No, ma'am. I do not.

13 Q. Okay. And do you recall if he had the matches  
14 in his hand when you first encountered him?

15 A. I think if he would've had them in his hand  
16 when we first encountered him, based on how detailed my  
17 report was, it would've been documented that's how he  
18 had them so -- and the fact that we conducted the search  
19 in the station, it would've been a custodial search on  
20 him. So no. He wouldn't have had them displayed.

21 Q. Okay. And when you were patrolling the 15th  
22 division in 2002, when you received a call of a  
23 potential suspect, would you put on your police flashers  
24 and your police alarm when you were transporting  
25 yourself to the scene of a potential crime?



1 A. It would depend on the circumstances.

2 Q. Do you recall if you put on your police  
3 flashers and put on your police alarm when you were  
4 traveling to the scene of this potential arson at 227  
5 South Central?

6 A. I do not recall specifically.

7 MR. STEFANICH: Object to the form.

8 BY MS. GARCIA:

9 Q. Sure. I can rephrase it. Do you recall if  
10 you put on your police flashers or your alarm while you  
11 were transporting yourself to 22 [sic] South Central on  
12 February 11, 2002?

13 A. I don't believe we did, but I don't have an  
14 independent recollection of whether we did or did not.

15 Q. Okay. And so, is it possible that as you were  
16 approaching 22 [sic] South Central, the police alarm and  
17 police flashes were going off?

18 MR. STEFANICH: Object to the form.

19 THE WITNESS: Again, if you're referring to our  
20 lights and sirens, it might be possible. I would  
21 assume not, but it's -- the nature of this -- or  
22 this incident that we would've done that, no.

23 BY MS. GARCIA:

24 Q. Okay. But you don't know one way or the  
25 other, correct?

1 MR. STEFANICH: Object to the form. Asked and  
2 answered.

3 THE WITNESS: With certainly? No, ma'am. I do  
4 not.

5 BY MS. GARCIA:

6 Q. Okay. And so then it is possible you had the  
7 alarms and sirens on as you were approaching 22 [sic]  
8 South Central on February 11, 2002, correct?

9 MR. STEFANICH: Object to the form. Asked and  
10 answered.

11 THE WITNESS: Yes, ma'am. It is possible, but  
12 unlikely.

13 BY MS. GARCIA:

14 Q. Okay. And in your experience as a Chicago  
15 police officer for many years, when you have your alarms  
16 and sirens going to the scene of a crime, do the  
17 suspects tend to keep out the tools in which they may  
18 have been committing that crime?

19 MR. MICHALIK: Object to the form. Calls for  
20 speculation. Incomplete hypothetical.

21 THE WITNESS: It depends on the circumstances.  
22 Yes. There have been times when we've arrived on  
23 scene where people are still -- like in a street  
24 fight, we show up. Someone is still swinging a  
25 baseball bat, trying to strike someone. People

1 still have weapons displayed. So just because we're  
2 arriving on scene doesn't necessarily cause people  
3 to put their -- their tools away.

4 BY MS. GARCIA:

5 Q. Sure. Is it possible that, you know --  
6 actually, strike that. In a situation where you had  
7 your alarms and sirens on, is it possible that that  
8 would have alerted Mr. Rodgers or any other person at 22  
9 [sic] South Central that you were arriving on the scene?

10 MR. STEFANICH: Objection. Form.

11 MR. MICHALIK: Object to the form. Calls for  
12 speculation.

13 THE WITNESS: As we were arriving on scene,  
14 it's possible, but again, sometimes people don't  
15 hear the lights and sirens when we're pulling up.

16 BY MS. GARCIA:

17 Q. Okay. And I believe you mentioned that when  
18 you contact Bomb and Arson on a suspicion of either a  
19 bomb or arson, they will then do the follow up and get  
20 back to the watch commander regarding next steps,  
21 correct?

22 MR. MICHALIK: Object to the form of the  
23 question. Mischaracterizes his prior testimony.

24 THE WITNESS: If necessary, the notification is  
25 made initially to them. If there was a situation

1 where an investigator would arrive, you would  
2 conduct that follow up to determine if there was a  
3 need for furtherance into their investigation and a  
4 hold will be placed on an offender. At that point  
5 in time, then they would make the notification of  
6 either the desk sergeant, or the watch operations  
7 lieutenant, or watch commander at that time that  
8 there would be a need to place a hold on a subject.

9 BY MS. GARCIA:

10 Q. Okay. And do you recall who went from Bomb  
11 and Arson to investigate the scene further?

12 A. No, ma'am. That I do not.

13 Q. Do you recall any other actions that Bomb and  
14 Arson took regarding Mr. Rodgers' involvement in  
15 potential arson at 22 [sic] South Central?

16 A. No, ma'am. I do not.

17 Q. Okay.

18 MS. GARCIA: No further questions.

19 MR. STEFANICH: Nothing from me still.

20 MR. MICHALIK: Nothing further.

21 MS. GARCIA: All right. Oh, sorry, we can go  
22 off the record.

23 THE REPORTER: Off the record.

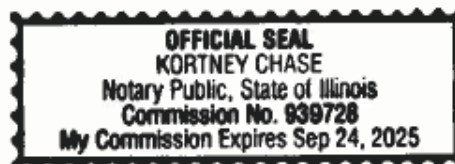
24 (Deposition concluded at 10:36 a.m. CT)  
25

## 1 CERTIFICATE OF DIGITAL REPORTER

## 2 STATE OF ILLINOIS

3  
4 I do hereby certify that the witness in the foregoing  
5 transcript was taken on the date, and at the time and  
6 place set out on the Title page hereof by me after first  
7 being duly sworn to testify the truth, the whole truth,  
8 and nothing but the truth; and that the said matter was  
9 recorded digitally by me and then reduced to typewritten  
10 form under my direction, and constitutes a true record  
11 of the transcript as taken, all to the best of my skills  
12 and ability. I certify that I am not a relative or  
13 employee of either counsel, and that I am in no way  
14 interested financially, directly or indirectly, in this  
15 action.

16  
17  Kortney Chase



18  
19  
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22 KORTNEY CHASE,  
23 DIGITAL REPORTER / NOTARY  
24 COMMISSION EXPIRES ON: 09/24/2025  
25 SUBMITTED ON: 02/26/2025

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